

on the trial of the action, and that he was advised and verily believed that he could not safely proceed to trial without their evidence.

Held, sufficient to entitle the plaintiff *prima facie* to a commission.

Smith v. Greey, 10 P.R. 531, commented on.

Every application for a commission must be made in good faith, and the evidence sought to be obtained must be such as to warrant a reasonable belief that it may be material and necessary for the purpose of justice; but it is safer where any injustice to other parties, in the way of delay or expense, or otherwise, can be provided against, to favour the granting rather than the refusing of the application.

The main considerations are a full and fair trial, and the saving of expense.

Under the circumstances of this case, the order for a commission to take the evidence of the plaintiff and his witnesses abroad was granted upon the plaintiff securing the defendants for their costs of the execution of the commission and undertaking to speed the proceedings and not delay the trial.

It was contended by the defendants that the evidence expected from the witnesses was unnecessary by reason of implied admissions in the statement of defence.

Held, that it was for the defendants to make the evidence unquestionably unnecessary, either by amending their pleadings so as to expressly make the admissions or by undertaking to do so at the trial.

George Bell for the plaintiff.

H. Cassels for the defendants.

[April 6.

STRUTHERS v. GREEN.

Costs—Scale of—Action transferred from County Court to High Court—Rule 1219 (4)—54 Vict., c. 14.

The provisions of Rule 1219 are applicable to an action transferred from a County Court to a High Court by virtue of 54 Vict., c. 14; and the costs of the proceedings after the transfer should be taxed upon the lower scale where the case falls within s.s. (4) of the Rule, by reason of the plaintiff seeking equitable relief and the subject-matter involved not exceeding \$200.

Douglas Armour for the plaintiff.

Rowell for the defendants, the Molsons Bank.

Appointments to Office.

LOCAL MASTERS OF TITLES.

District of Algoma.

Henry Coulthard Hamilton, of the Town of Sault Saint Marie, in the District of Algoma, Esquire, Barrister-at-Law: to be Local Master of Titles for the said District of Algoma, in the room and stead of His Honor Judge McCrea, resigned.

CORONERS.

County of Hastings.

William Edward Sprague, of the City of Belleville, in the County of Hastings, M.D.: to be an Associate-Coroner in and for the said County of Hastings, in the room and stead of Benjamin S. Wilson, Esquire, M.D., deceased.

Archibald Dunn Walker, of the City of Belleville, in the County of Hastings, Esquire, M.D.: to be an Associate-Coroner within and for the said County of Hastings.

County of Middlesex.

Robert Ferguson, of the City of London, in the County of Middlesex, Esquire, M.D., to be an Associate-Coroner within and for the said County of Middlesex, in the room and stead of James M. Smith, Esquire, M.D., deceased.

County of Peel.

Arthur Thompson Emmerson, of the Village of Claude, in the County of Peel, Esquire, M.D.: to be an Associate-Coroner within and for the said County of Peel, in the room and stead of Duncan McFayden, Esquire, M.D., resigned.

County of Wellington.

Moffitt Forster, of the Town of Palmerston, in the County of Wellington, Esquire, M.D.: to be an Associate-Coroner in and for the said County of Wellington.

County of York.

William Ledmon Allen, of the City of Toronto, in the County of York, Esquire, M.D.: to be an Associate-Coroner within and for the said County of York.